

SPEECH

OF

HON. JACOB THOMPSON, OF MISSISSIPPI,

ON THE

CALIFORNIA QUESTION.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, JUNE 5, 1850.

The House being in Committee of the Whole on the state of the Union, on the President's Message, Mr. THOMPSON said:

Mr. CHAIRMAN: During this long-protracted debate on the admission of California, and the formation of governments for our territories, I have been a silent, patient listener. I have not deemed it necessary to enter upon the discussion, for the purpose of defining my position before my constituents. I have not endeavored to control or direct public sentiment at home or elsewhere. My constituents understand me, and I believe I understand them. There exists between us a mutuality of confidence, an identity of interests, a sympathy of feeling, and a unity of principle, that our very instincts would lead us to the same conclusions. They love this Union, they desire its perpetuation, they would pour out their blood in the defence of its flag. But they also love their rights, they will maintain their honor, and they will submit to any sacrifice to uphold that Constitution which made us a united people. They will ask for nothing but what is right, and it is worse than vain to suppose they will submit to that which is wrong. Whigs and Democrats of Mississippi will stand firmly banded together on this common platform. I came to this Congress deeply impressed with the magnitude of the duties devolved upon its members. Before I took my seat, knowing I was to act with the minority on this floor, I resolved to do nothing to adjust existing difficulties. On the majority rested the whole responsibility of every proposition and every action. No Southern member has made any proposition on these questions which divide the North from the South at my suggestion or with my consent. The North, the great, the powerful, and I may add, the imperious North, have now the destinies of this country in their hands. They can oppress, they can insult, they can make odious and unjust discriminations, they can redden and spew their disgusting and revolting saliva upon the South, which is too weak to control this Central Government, and growing weaker by the exertion of her sons on account of her weakness; they can never degrade and humiliate that people as long as the spirit of Washington and Perry, Jackson and Calhoun shall animate their hearts. To the patriotism and magnanimity of

this great North I now appeal. You can preserve the Constitution and maintain the Union. You can restore peace to a troubled country, and create anew that confidence between the members of this Confederacy which is now well-nigh destroyed.

But, Mr. Chairman, we hear it asserted that the differences between the North and the South are fundamental and irreconcilable, and can never be compromised. If this be true, we had better take immediate steps for effecting a peaceable separation. This Government is based on the affections of the people, and can never be maintained by force. Adopt any line of policy which impairs the rights or destroys the confidence of any section of this Confederacy, and you will alienate the hearts of the people, and sow the seeds of a rupture which can only be carried out in blood.

But I am not yet prepared to believe this. The South have constitutional rights, for which alone they contend, and the whole is included in the simple axiomatic truth, that her property, under the flag of the Union, shall receive the same protection and guardianship which it affords to the property of all other citizens. In other words, that this Government shall be her friend, and not her enemy. This principle is opposed by the North from jealousy of political power, and from a prejudice against the institution of slavery, which they desire to overthrow. If the South yields, she yields rights—rights secured by the Constitution. If the North yields, she yields prejudices. If the South yields, it, of course, will be considered that she does so from her weakness. If the North yields, she can claim, and it will be awarded to her, that her course is actuated from a motive of magnanimity and a praiseworthy desire to do right, and to preserve the union and harmony of the States. You have the vantage ground, and it is to be seen if you have that nobleness of spirit which should actuate patriots in the present trying crisis.

But I am met with a grave charge upon the South: that her statesmen have always exerted a controlling influence over the policy of the Government. This is a serious charge, if it had any meaning. But, suppose we admit its truth, is it not evidence that Southern policy has been most acceptable to the whole people? The great founders and leaders of the two parties which have

divided this country, Jefferson and Hamilton, the one was a Southern, the other a Northern man; both men of great talent, and both patriots; but the Southern statesman became the favorite of the people, North and South; and simply because his principles commended themselves to the approbation and hearts of the masses of the people everywhere, and, therefore, received their support and sanction. From that day to this he has been, and continues to be, an honored leader in both sections.

But this charge is only a part of that systematic effort which has been carried on for years to excite the prejudices of the North against the South. It has no reason in it. And here I must take occasion to warn the Democrats of another object for this charge: It is a part of the old Federal tactics to break down your party, and bring you under Federal misrule.

I think I have a right, Mr. Chairman, on this occasion, to make an appeal to the Democratic party. I have no claim on the Whig party: there has always been opposition and contention between us, because, after the straitest sect I have been a Democrat; and, as some of our opponents prefer the phrase, I have been a progressive Democrat. I have always believed it to be the only national party—sometimes doing wrong, but ever aiming at the right. I say, I have a right to mingle my voice in your councils; and in doing so, I must premise, with a statement of my firm belief, that once finally destroy and thoroughly disunite that party, and from that day this Union is in imminent peril; the opposing force to the wild fanaticism of the North will be removed, and the complete triumph of faction will be followed by inevitable and blasting evils to our country. It has long been charged at the South that all parties of the North were alike in their virulent opposition to Southern rights. Heretofore we could point to the record to disprove these assertions, and the people have taken the evidence. One by one, we have seen those noble spirits who refused to bow to the unreasonable prejudices of section, and manfully advocated the Constitution as it is, fall in the conflict. But we have mourned their fate, and in our heart of hearts we will cherish their memories. Session after session, we have witnessed desertions upon this floor and at the other end of the Capitol, and all of us have united in denouncing and despising the traitors. But up to this time, some choice spirits have remained, sufficiently large in number and respectable in talent, to keep up our unity as a party, and to command the respect and confidence of the country. It is left for you to settle these agitating questions—you can do it. The party in power having long been in a minority, have been constrained, by the force of circumstances, to affiliate with every faction, and enroll among their ranks every discontent and every deserter from our party; and, consequently, they can have no unity of purpose or identity of principle. They can never administer this Government with success. They can never adjust these difficulties satisfactorily to the nation. In addition, the very deceptions practised and frauds committed in obtaining power, will prove an insuperable bar to them. If this country

is saved, it has to be done by the Democratic party. Let us only for a moment review our past history.

It was this party, under the lead of Mr. Jefferson, who made the purchase of Louisiana, and added that vast and fertile territory to our country, in the face of the most violent opposition of the Federal party. It was this party who carried the country in triumph through the war with Great Britain in 1812, whilst the opposition was weakening its movements at home by threats of disunion. It was its policy which removed the Indians to the country west of the Mississippi, and opened our new States to settlement and cultivation, by an industrious and energetic people, amidst the sympathetic tears and cries of their opponents. When the moneyed power, organized under the lead of a great National Bank, aspired to the control of the industrial pursuits of this country, and even to the distribution of its honors and offices, under the lead of the patriotic Jackson, in solid phalanx, we breasted the storm, and sustained the strong arm of our leader, whilst he throttled the monster; and now, while that great power lies quietly in the dust, all the people rejoice over its demise.

One of the charges of aggression made by the South on the North, by the gentleman from Ohio, (Mr. CAMPBELL,) is the enactment of the revenue tariff of 1846, and which works so admirably as far to exceed our most sanguine expectations. This great measure of equality and relief to the labor of the country, did surely not find its peculiar advocates in the South. The whole party, North and South, are willing to share its responsibility and claim its proportion of the honor.

This party has ever advocated an economical Government, and opposed extravagant expenditures, though it has often been defeated in this policy by desertion from its own ranks. This party have ever contended for a strict construction of the Constitution, maintaining the rights of all the States, and resisting the centralization of power in the Federal Government.

When the great question of the annexation of Texas came up for discussion and decision, the whole party, abating a few deserters, took hold of it with zeal and decision. I remember well our commotions; and if any section of our party, by its talent and energy deserved to lead the others in this movement, from a full and personal acquaintance with all the facts, this position should be assigned to the indomitable spirits of the Northwest. It was followed by a war with Mexico, and for the most part, the Democratic party sustained our troops, supplied our armies, and were entitled to wear the honors of our triumph. The result of this war was the acquisition of the Territories of New Mexico and California.

Candor requires me to say that the Democratic party are responsible for these acquisitions. And when peace had been declared, had we been able then to settle all the conflicting questions arising out of this extension of our common country, doubt not our party this hour had been in power. But our failure then to settle all these questions shook the confidence of the country, and amid the discontent and confusion which was consequent upon the failure, the people called our opponen

into power and imposed this responsibility upon them. It is thought by many that this relieved our party from all responsibility. This is a contracted and improper view of the subject. As partisans, but as partisans alone, is this position true. But as patriots, as lovers of the Union and of constitutional liberty, I appeal to you to come to the rescue. It is apparent that the Administration can never make adjustment without throwing itself into the arms of those who desire to put their heel upon the South, and thus make these acquisitions a curse upon the country. And it must be further apparent, that in future, the South will be constrained to affiliate with that party North, of whatever denomination, that will nobly make sacrifices in this crisis to sustain her rights.

You cannot, then, believe that the flag of the Union owes us no protection of our slave property on the ocean or in our territories. If you are Democrats, willing to support the Constitution in its integrity, you must believe that it guaranteed every right existing before its formation. As sovereign States, we had this right before we entered the Union. This is most clear. By that association we lost no rights, but received assurances from a united people of an additional guarantee, by an arm stronger than our own. As Democrats, you cannot desire to surround us with a "cordon of free States," thus alarming the fears of property holders, rendering insecure our titles, and thus forcing a free people, by the pressure without, to abolish slavery within, and that, too, by the action of a common Government, a common friend.

As Democrats, with a love for the whole people of the Union, you cannot entertain such hostility to us and to our institutions thus guaranteed by the Constitution, as to maintain that disunion and all its train of consequences are to be preferred to an admission that a single acre of our large common domain, which ought to be common pasture ground for us all, shall be set aside for the occupancy of Southern property.

If you hold these opinions and entertain these desires, and intend to carry them out, my honest conviction is, that it is best for us to separate, and separate now. Postponement will but aggravate the evil day, which will come as certainly as that death is the doom of us all.

While I know these things have been said here by enraged madmen, I will not believe the whole North thus abandoned and unjust. And in my unbelief, I have *hope*, faint, it is true, but strong enough to prevent me from believing I am surrounded by enemies.

I have waited, Mr. Chairman, for propositions from the North. I have not allowed myself to become indissolubly wedded to any thing. I am ready to take hold of any measure which deals with the whole country fairly and justly. I want a measure which gives finality to all these sectional discussions and differences, preserving the equality of the States, and the integrity of the rights of all, for the present, and promising peace and security for the future.

With these views, I shall examine the propositions which have been made, and express my opinions freely.

The first plan, in order, for adjusting all of our difficulties, is that offered by the Administration, *nominally* under the guidance of a Southern man. This admits California as a State, and leaves all other questions open until the people of the territories, living in the meanwhile under military sway, form State Governments, and apply for admission as States.

The gentleman from New York (Mr. DUEK) comes forward as one of the earliest, and, it is proper to add, one of the ablest advocates for this line of operations; and, before he begins his argument, he prefaces it with this most singular avowal:

"California, with her boundaries, will be admitted into the Union, and you will have no establishment of slavery, or, if you prefer the phrase, no recognition of the Constitutional existence of slavery in any part of these territories, north or south, or east or west, of any line of latitude or longitude. Neither will you have a repeal of any existing law prohibiting slavery."

Thus summarily disposing of the whole controversy, he begins an argument to convince this House that this Administration plan is the most successful means of gaining his ends, and of doing so with the least offence to the South. This is the method of adjustment, and such is the palpable effect, recommended by a Southern President for the adoption of Congress. The letter of the Constitution is observed, in order to make the most vital thrusts at its spirit.

Congress, it is true, has the power to admit new States. Such is the letter of the Constitution; but in a wanton and arbitrary exercise of that power which is addressed to the discretion of Congress, a great and palpable wrong could be done more offensive to the co-States than a clear unqualified assumption of the power out and out. Suppose the Republic of Hayti should apply for admission into our Union as a State with her negro population: would the South have no right to complain, to resist, because Congress has the power to admit new States, and the majority must exercise its discretion as it may suit their tastes and prejudices. So if a handful of squatters upon the common territory, entering and taking possession of the public property in violation of the law, should undertake to erect themselves into a sovereignty and demand admission as a State, claiming to exercise in one branch of the legislative department of the Government, a power equal to the oldest or largest State of the Union, there is scarcely a freeman in the whole country who would not feel indignant at the proposition. This feeling would be increased, if we learned that the individuals composing this community were but yesterday citizens of a hostile republic, knew nothing of our institutions, and had given no proof whatever of their attachment to our Government. The admission of a State under such circumstances, would be an outrage, the more insulting and intolerable because it is sought to be done under the letter of the Constitution. But to carve a State out of the territory belonging to the United States, without any permission from Congress, or, as it has been done in the case of California, when Congress expressly refused to grant permission, whose duty it is to dispose of and to make all needful rules and regulations respecting the same, without knowing who inhabit the same—whether citizens or foreigners, who voted

for the Constitution which they present as republican, whether that clause of the Constitution which requires "the number of Representatives shall not exceed one for every thirty thousand" is not openly violated,—is presumptuous indeed beyond any parallel found in the past history of the Government. And I feel no hesitancy in saying, that were it not for the most singular position of other questions connected with the territories, there would not be found a sensible man in the whole country, who would not reject such a proposition with contempt, as cheapening our institutions, and degrading the States of this Confederacy.

What, then, could have induced a slaveholding President, who is charged with the custody of the public property, to have advised the people in the territories to form themselves into States, so soon after Congress had refused to authorize them to exercise this privilege? After the Missouri struggle, and after the discussions during the last Presidential election, he must have known, if he knew any thing about political questions, that unless the applying territory excluded slavery, it was vain to expect to gain admittance. I say, he must have known this; his special agent (T. B. King) knew this; the debates of the Convention show that this matter was well understood there. Southern adventurers, some of whom were the owners of slaves, in their anxiety to get into place by the admission of California, voted for the exclusion of their own property, and humiliated themselves, in order to pander to this fell spirit of Abolition, which runs riot over the land. Yet, you call the constitution presented here, the free act, and the embodied will of California! I do not believe it. I have a great respect for the voice of the people in any community, when fairly expressed. But it must be the voice of the people—the *people* who have an abiding interest in their government, and not sojourners who do not expect to be governed by the laws which they make. It must be a people who feel free and independent to decide finally all questions submitted to them. This was not the case with the people of California.

In the first place, an acquaintance with frontier life convinces me, that a Territorial Government is better suited for them, than a State Government, till a fixed, permanent population is obtained. To raise revenue sufficient to support a State Government, will be onerous upon a people who emigrate without capital, and who have not had the necessary time to acquire that property which will be subject to taxation. In every case heretofore, the General Government has borne this burden, and California, if admitted now, will come in a mendicant, asking alms of this Government. This will not enable her to take her equal position among her sister States. She has already demanded and received from the officers of the United States, money which was in the Treasury of the United States, without an appropriation by law. And it becomes a grave question, if these executive officers intrusted with the custody of the public money, have not already subjected themselves to impeachment by thus disposing of the public money.

In the second place, in forming a State Government, and in the prohibition of slavery, the people

were tampered with, and were not free to follow their own choice. See how beautifully President Taylor defines his action in the premises: "This course," he says in his California message, "on their part, though in accordance with, was not adopted *exclusively* in consequence of any expression of my wishes, inasmuch as measures tending to this end had been promoted by the officers sent there by my predecessor." How much influence he did exert so as not to amount to an exclusion of all other influences, would require a very exact calculation. Here, as in other cases, when I have to examine the course of the Administration, I feel no disposition to press comments to the extreme. I regard him as a mere puppet in the hands of strong and wicked men, playing a part, the force of which he cannot comprehend. I am forced to the belief that this whole plan of inducing the territories to form State Governments, without the consent of Congress, originated in the anxious desire to avoid the exposure of the fraud by which the last Presidential election was carried. As a further evidence of this influence, I read from the letter of General Riley, dated June 30, 1849:

"A few prefer a territorial organization, but I think a majority will be in favor of a State Government, so as to avoid all further difficulties respecting the question of slavery."

Here is proof as clear as the noonday sun of the influences which controlled the people in their action. I believe to-morrow, excluding the office-seekers, California would prefer a Territorial Government, it is so manifestly their interest to do so. But gentlemen are so determined to cut off all chances for the South, they fear the decision of that people when they come to form a State Government in a regular way, possessing an entire independence.

But my object is not to make an argument against the admission of California, but to state my objections to the plan of the Administration for adjusting all these difficulties between the North and the South. After admitting California, we then make a halt, and wait for the music. Wait till New Mexico and Utah have formed State Governments, and apply for admission. But this is pure nonsense. Utah, under the name of Deseret, has already formed a State Constitution, and she is now applying for admission. The evidence before us induces me to believe Utah has as many permanent settlers as California; though the latter has much the largest number of visitors and sojourners. Her Constitution is as republican as that of California, but it omits one important item, and that is, it fails to incorporate the Wilmot proviso in her constitution, and to send here her Senators and Representatives, elected before she was acknowledged to have a sovereign existence. Utah has no friend in this Cabinet; she is presumptuous in asking admittance. Why this discrimination against her? Simply because she does not come here to insult the South with her exclusions of her people from her unsettled territory with their property. Fair dealing is a jewel. But the hero of Buena Vista surrenders himself into the lead of his Wilmot-proviso Cabinet to such an extent as to make many of his true friends hang their heads in

mortification and shame. Again, New Mexico is soon to become a State, in the opinion of the President. Her delegate, Mr. Smith, catching the spirit of the men on this floor, has found out how he can make friends, and organize a party in favor of her admission; and that is, by abusing the land of his birth and the institutions of his fathers, pandering to the prejudices of an ignorant population at home, both against slavery and against their lawful sovereign, Texas, and by inducing her to come up to this Capitol with a free-soil constitution. When she comes, Congress will give her one-fourth of Texas, and tell that State her remedy is in the courts. In order to determine the claims of Texas, Congress will be called upon to decide against her.

The South are united to a man against the Wilmot proviso. It is only necessary to lay the facts before that same people, when their indignation will be still more intense against this unjust, unprecedented, cowardly policy. The President may truly say, as one mightier than us all, I come not to send peace on earth but a sword.

There is not a feature in all this plan which meets with any approbation; yet I have been and am now for the doctrine of non-intervention with the territories. That doctrine presupposes the formation of Territorial Governments, and their continuance as such till they obtain a fixed and permanent population. It extends the Constitution and laws of the United States over the country, and necessarily protects every lawful right of person and property of her citizens. It makes no discrimination between rich and poor, between the property of the people of any description, but gives a like protection to all. It abolishes, it abridges no rights of any, but it maintains, it guards, it defends, it conserves every right of every citizen. It enforces contracts, it protects reputation, it shields the life and liberty of all. How does it bear upon the right to carry slaves to the Territories? This is best answered by Mr. Webster while Secretary of State, in his able and unanswerable argument to Lord Ashburton in behalf of indemnification for the loss of the slaves by the brig Creole. He says:

"In the Southern States of this Union, slavery exists by the laws of the States, and under the guarantee of the Constitution of the United States; and it has existed in them from a period antecedent to the time when they ceased to be British colonies.

"A vessel on the high seas, beyond a marine league from the shore, is regarded as part of the territory of the nation to which it belongs, and subjected exclusively to the jurisdiction of that nation."

Again: after speaking of husband and wife, he continues:

"It may be said, that in such instances personal relations are founded in contract, and therefore to be respected; but that the relation of master and slave is not founded in contract, and therefore is to be respected only by the law of the place which recognizes it. Whoever so reasons, encounters the authority of the whole body of public law, from Grotius down; because there are numerous instances in which the law itself presumes implies contracts, and, prominent among these instances, is the very relation which we are now considering, and which relation is holden by law to draw after it mutuality of obligation."

The doctrine here set forth, has been the uniform principle on which this Government has been conducted, up to the era of the Wilmot proviso. If a ship at sea is regarded as the territory of the Uni-

ted States, where the master's rights will be shielded by the flag of the Union, much more will it be so in the actual territory, which is the common property of all the States. This doctrine of non-intervention—so just, so fair, so equal in itself—is totally perverted from its legitimate use by the Administration. It not only perverts that principle, so complimentary and congenial to freemen, but it abuses a plain power of the Constitution—the power to admit new States. But it is so palpable that the direction is here taken from the principle of holding on to place, rather than serving the country, protecting the weak against the strong, and of endeavoring to make the blessings of government, like the dews of heaven, fall alike upon all, that it needs only to be seen to be despised.

If by the action of the people of California she is to be considered now a sovereign State, then it must follow, as certainly as night the day, that the title to every acre of land within her large boundaries has been divested from the United States, and is invested in that State; and the President has advised these people to commit a wholesale robbery; and he has voluntarily surrendered this large amount of public property into the hands of individuals who went and remained upon it by the mere sufferance of Congress. If this proposition be true, the President has been guilty of a most flagrant and fearful usurpation of power—and I ask you, Democrats, if you are willing, in order to surmount one difficulty, of excluding Southern men from that country by your own act, to sanction a usurpation so monstrous in its nature, and so dangerous as a precedent, that, in case of a closely-contested state of parties, the Executive would have the power to create at will, peers of the realm, to sustain his ill-gotten power?

If this proposition be not true that California is yet a sovereign State, then it follows, we are called upon to exert the power of creating a sovereignty—a prerogative which would have alarmed the plain republicans of former days. But you not only call upon us to create a State, but you also require us to breathe vitality into a dead carcass, in order to work out our own exclusion from the territory. How Southern men opposed to the Wilmot proviso can reconcile themselves to such a measure, is perfectly inexplicable to me.

The evidence before us must convince every man that New Mexico is opposed to a State Government, and excluding Indians and half-breeds, her population would not entitle her to such a position. Will you force her to live under military government, which the President, in his partiality for military rule, recommends to us as the best they have ever enjoyed, until she consents? And in the mean time, all the agitation which has disturbed the country for the last three years, goes on with increased impetus. Our Union may be strong enough to withstand many assaults, but constant dropping will wear away stones; and it is time we should feel the magnitude of the task imposed upon us.

Rejecting this plan, I turn next to the compromise of the Committee of Thirteen, at the other end of this Capitol. I feel unwilling to reject that proposition without a careful and candid examination; and I feel bound to say, after full reflection, as it stands it can never receive my support; but with the establishment of non-intervention in good faith

in the territories, and with a clear recognition of the boundary line of Texas in its integrity, and entirely, running the full length of the Rio Grande, I would far prefer this proposition to the Administration plan, which is full of enormities from end to end, without a single redeeming quality. But this compromise, so called, I suppose, in derision of all which have been heretofore adopted, begins with the unqualified admission of California with her present boundaries. My opposition to this measure is so deeply rooted, as well-nigh to constrain me to reject all schemes whatever of which it composes a part. The pill is too nauseating to be taken in connection with other ingredients, however palatable. If such an outrage is to be effected, and such a precedent established, so improper in itself, and leading to such dangerous consequences, I never wish the future politician who may refer to my course, to say for me, "I did it."

One leading objection to the whole scheme is, that it gives finality to nothing, and therefore, will quiet neither the North nor the South. The Wilmot proviso is not enacted over the territories avowedly on the ground that it is unnecessary, and of course with the understanding, that if the future tide of emigration shall render it necessary, it will be insisted upon.

It will be the starting point of new agitations, new combinations. It will open nearly one-third of Texas as a new field for contention. The South will insist that slavery has been recognized up to 36 deg. 30 min. The North will contend that the southern claim has been bought out and surrendered; and the South being the weaker party, I know now, as certainly as I know any future event, the North will have it all their own way.

Having voted for the annexation of Texas, I know it was well understood that she had a disputed boundary, and that she claimed the Rio Grande from its mouth to its source, as her western boundary. Texas was invited to trust the settlement of this dispute to the United States. Our Government did undertake the adjustment; and the result was, we obtained every inch claimed. Can there be a doubt, then, of our duty and her title?

Texas has the right of making four more new States; the country expected they would be slave States. The proposed adjustment will necessarily make two slave States, and two free States. To call upon me to sell out the country, and to pay myself the consideration money, which was once solemnly settled and dedicated, for the purpose of extending still further, and swelling larger the disproportion of territory from which the South is excluded, is too extravagant and it can never be yielded.

But I need not multiply objections; as that bill now stands, I should feel myself untrue to my constituents, untrue to myself, untrue to the country at large, to give it my support.

The fugitive slave sections are of but little consequence. Like the laws against duelling in all the States, they are apparently strong enough to prevent the practice, but practically they are a dead letter upon the statute book. Public opinion does not demand their enforcement. Even so will it be with the most stringent fugitive slave bill. It will prove a mere mockery. The present law of 1793 is full and strong enough, if the States of

the North would comply, or were disposed to comply with their constitutional obligations.

The anxiety to suppress the slave trade in this District—a measure of no great magnitude in itself—is only desired in order to stigmatize this kind of traffic, which is known to exist in the southern States, and to make one step forward in the process of abolition of slavery in this District. The motives which impel the movement more than the movement itself, are obnoxious to me.

I come now to the consideration of the question, what shall we do to quiet agitation and restore peace and confidence and good feeling between the different sections of this Union?

I despair of reconciling the abstract conflicting views of the North and the South. Such an effort is vain and futile. But it is certainly true that the same conflict has existed to a greater or less extent from the foundation of the Government. I have honestly endeavored to devise some new plan by which we could improve upon the example set us by our forefathers; and I am finally brought back to the firm conviction that the old plan is the best and wisest plan, and should be adopted.

In 1787, before the adoption of our present Constitution, when the celebrated ordinance interdicting slavery northwest of the river Ohio was passed, it was a well settled policy that all the old States would cede their back lands, and the Ohio river was adopted as the compromise line. And while the first Congress under our Constitution recognized the interdiction of slavery northwest of the Ohio, they established a territory south of the Ohio in which it was sanctioned. Thus they reconciled their differences by a line of partition, and went on harmoniously. But the history of this compromise convinces me of another fact, that if the importation of slaves from abroad had then been inhibited, and if the only question had been as to their locality, whether the slaves then in the country should be allowed to spread, as the interest or inclination of the owners might dictate, that that ordinance had never found its place among our statutes. As an evidence of this fact, I shall refer to one authority as conclusive on this point. Mr. Madison, in his letter to Mr. Monroe, in 1820, says:

"I have observed as yet in none of the views taken of the ordinance of 1787 interdicting slavery northwest of the river Ohio an allusion to the circumstance that when it passed Congress had no authority to prohibit the importation of slaves from abroad; that all the States had, and some were in the full exercise of, the right to import them; and consequently that there was no mode in which Congress could check the evil but the indirect one of narrowing the space open the reception of slaves."

"Had the federal authority then existed to prohibit directly and totally, the importation from abroad, can it be doubted that it would have been exerted, and that a regulation having merely the effect of preventing the interior disposition of slave actually in the United States, and creating a distinction among the States in the degrees of their sovereignty, would not have been adopted, or perhaps thought of."

This was the spirit and the cause of that ordinance. If in that day, it had been a question not of increase of the number of slaves, but of

ply as to their locality in the United States, I have not a doubt the ordinance of 1787 had never existed. The reason of the measure having failed, to insist on the measure itself is most unreasonable. The South, fond of the Union, yielded to this discrimination, making the Ohio river the dividing line between slave and free States.

Next in order of time was the purchase of Louisiana, which had an area of 1,075,000 square miles; but if we include Oregon, (and our ablest statesmen have claimed that our best title to the country west of the Rocky Mountains is derived from that purchase,) its area would be 1,416,463 square miles. On the bill granting permission to the people of Missouri Territory to form a State constitution, the North resisted her application, till they, at last, forced a compromise upon the South which divided the territory acquired by that treaty by the line of $36^{\circ} 30'$, still bringing the line of division further south, which secured to the North 1,306,463 square miles, and retained 110,000 square miles for the South, when it was admitted on all sides that the whole territory was subject to be made slave territory. Thus the North took the lion's share. Had I been a member of Congress at that time, I would have resisted this adjustment, though disunion and civil war had been the consequence. This was done in 1820, and the South acquiesced. I regarded it after that, a decided question, and acting on the principle of *stare decisis*, I have given vote after vote in conformity with that line of division. Soon after this partition, by way of making amends to the South, I suppose, the Spanish treaty was entered into, by which Florida was obtained, and Texas was yielded up, and again we were wronged; but let that pass.

Here I must take occasion to allude to that proviso which seems to haunt the imagination of the gentleman from Massachusetts, (Mr. WINTHROP,) and which he offered to the Oregon territorial bill. He offered a proviso prohibiting slavery in that territory. I voted against inserting it in the bill, because I regarded it as dashed at the South wantonly and unnecessarily. He says now he regarded the Missouri compromise as covering that territory; so do I; and therefore it was unnecessary. When it was inserted in the bill, being anxious to furnish those people with a government, and the protection which they were praying at our hands, I voted for the bill. I did so, because I wished to keep good faith. Those who will examine the law will at once see that all who intended in good faith to observe the Missouri compromise could not have done otherwise. These are its terms:

"That in all that territory ceded by France under the name of Louisiana, which lies north of $36^{\circ} 30'$ north latitude, not included within the limits of the State contemplated by this act, slavery or involuntary servitude otherwise than in the punishment of crimes whereof the parties shall have been duly convicted, shall be and is hereby forever prohibited," &c.

The question then was, Did Oregon constitute part of the Louisiana purchase? Our ablest statesmen so regarded it; and the fact that our northern line was finally settled down at 49° , instead of $54^{\circ} 40'$, is evidence that it was made the basis of our treaty with Great Britain. Was it north of $36^{\circ} 30'$? Of that there is no question; these two points covered the whole case.

But it may be asked why, in 1848, the South was not willing to give the same vote in pursu-

ance of the Missouri compromise? The answer is simple and direct. At that time we had acquired other territories. New Mexico and California—a portion of which lies south of $36^{\circ} 30'$ —and the South again and again avowed a willingness to carry out the Missouri compromise. It was refused. The North showed a disposition, aye, a determination, not to keep good faith with the South. As long as we had no territory over which the line could be extended, the North could call upon us to keep faith without a pledge, which the same members could not reciprocate by extending the line. But after our late acquisitions they had no such ground to stand upon, and we saw plainly that the treachery was intended to be practiced. These statements explain my course in reference to this matter; and my error, if I committed any, was in an attempt to keep good faith with a people who have shown a reckless disregard of all honor or obligation, when a stipulation with slaveholders, as we are termed, is to be observed.

Next in order is the annexation of Texas. It was known that Texas claimed the Rio Grande, from its mouth to its source, as her western boundary, when she applied for admission. If she could in any way or at any time make good this claim, it was seen that a portion of her territory would lie north of $36^{\circ} 30'$. The North, jealous of her claim that slavery was not to pass north of that magic line, again demanded the recognition of the restriction north of it; the South readily kept good faith in its true spirit—a hard contract, harsh and unjust in its terms, but honor, honor demanded, and she consented without a murmur.

Thus it has been that this line has given peace and quiet to the country. The North has received and is now enjoying her part of the contract. A portion of territory yet remains over which this line has not been *de facto* run, though in justice, in spirit, in honor, it has been run; and when the North passes that line, I shall feel their morality is founded in that school which characterized the corrupt early churches, that it was no sin to break faith with heretics.

The advocates for the admission of California place their support, principally, on a regard and deference for the declared opinions of the people in that country. No one goes before me in their respect for the opinions of any people when legitimately expressed. It is for that very reason, and on that very ground, I call for a division of California. The proof is satisfactory that the people of that territory, south of $36^{\circ} 30'$, prefer a territorial government, and are now asking it at your hands. If California must come in as a State, a regard for the people will require you to limit its southern boundary by $36^{\circ} 30'$. This should be done on the plan proposed on yesterday at the other end of the Capitol, by the Senator from Louisiana, (Mr. SOULE.)

But it is said that the South should prefer to take in the whole Pacific coast in one State, otherwise a division will operate in the increase of the number of free States. This may be so. But what guarantee have we that, after the admission of California, with her free-soil constitution and her gigantic proportions, she is not to be divided and subdivided as often as sectional jealousy and ambitious men in that State may

ask for a partition? Congress can, at any time, divide a State with the consent of the people thereof. And my opinion now is, that whenever they permanently locate the capital of the State, then will come here a petition for a new State, and whenever that petition is presented, my opinion is, it will be granted. Establish a territorial government for South California, carry there the doctrine of non-intervention in good faith, and secure to the territory the full right to decide, when she applies for admission as a State, all questions in reference to slavery. This territorial government is called for by the people; the South would be satisfied with it. You yield no principle in according it, but rather maintain your consistency. And if God and nature are against our settlement of this territory, we will never complain. To God and Nature we will submit; all we ask, let man, with his devices, not interfere.

This line of 36° 30' ought, in justice and good faith, now to be extended to the Pacific. All other methods of adjustment will be but laying the foundation of greater trouble in the future. I repeat, I have sought to agree with my friends upon some other basis. I find it cannot be done without practising some deception on the one side or the other. Such are the difficulties which environ this whole subject, that we must act in that spirit with which Abraham and Lot divided the country between their respective households. You go to the right, and we to the left; and there shall be peace between us—your people and our people. I am opposed to all double-dealing—frankness, candor, manliness, directness, and patriotism, demand that we shall understand each other. But you reply, more in false pride than in sound reason, if this compromise be passed, the South will have triumphed, and demagogues will raise the cry, that the North has succumbed. This will not be true; indeed, I will ask you to violate none of your principles. Divide the Territory by this line; north of it, interdict or not slavery, as it may suit you. In this respect, take your own course; south of that line, leave the people free, with the assurance, that when they form a State constitution, they shall decide the question of slavery for themselves. This is as far as I can go with a due regard to the South. This proposition you can accept, and leave the result to natural causes. For years, I have observed a fashion in this House, with Northern members, to denounce each other as doughfaces, and with such-like terms; and I have thought that gentlemen fear these catch epithets more than they do an argument. Their force I do not comprehend—for I regard that man more as a doughface, a coward, that shrinks from a discharge of his duty to the whole country, of which he is the representative, rather than meet and attempt to correct and satisfy the unreasonable prejudices of the unenlightened at home. He is the doughface who panders to unjust sentiments, in order to win favor, and cowardly retreats from the task of enforcing upon his constituents the propriety of observing their constitutional obligations. That was a noble sentiment of Mr. WEBSTER when he says, the people should undertake the task of overcoming themselves.

It is charged by the gentleman from Pennsylvania (Mr. WILMOT) that the South has committed

an aggression upon the North, in seducing her public men from their fealty to the North. I charge that the aggression is in an opposite direction. The North has the political honors of this country at her disposal, and these temptations have already carried away from their duty to their own section many of our ablest men. Indeed, the very idea of forming a national character with our statesmen is now tantamount to treason to her interests and power. This has been one, and will, I fear, be done again and again.

But again: You object that the Constitution will not admit your interdicting slavery north of 36° 30' no more than it will south of that line; and by adopting this line you concede the whole power of Congress over this subject. As an original question this is true, and I would never ask it; but time and universal consent have sanctified such a measure as a peace-offering upon the altar of our country. I would act upon the same principle which controlled Mr. Jefferson in the purchase of Louisiana. I would do it *ex necessitate rei*, from the force of circumstances. We are in a dilemma which the framers of the Constitution could never have contemplated. It is a *casus omissus*. Thrice has a line of division been agreed upon, and thrice has it given quiet to the country. Agree to it once more, and the greatest obstacle is removed in our future progress. It is a charmed line—the bow of promise. It is the work of the North forced upon the South. Now observe your own handiwork, and the sky of the future is bright and full of promise. Neglect it, reject it, and darkness, visible darkness, obscures our pathway.

But shall we go on making other and further acquisitions? My experience has cured me of this propensity. I believe it has satisfied the South. If, however, you so settle these questions that another acquisition will enable you to surround the South with States where the negro goes free, I fear, I believe, the questions of new acquisitions will soon be the turning point of a presidential election; and the South will be too weak to defend herself at the ballot box.

I disdain to play a game of brag. I would not be guilty of the consummate weakness of supposing that anything is to be gained by an appeal to the fears of any section of this Confederacy. Bravery is the characteristic of our people, North and South; cowardice is the exception. I have no thought that the North could ever subdue the South, nor could the South subdue the North. Such reflections are unbecoming and a profanity to our system of Government.

We are brethren, all of a common stock. Shoulder to shoulder we have gone through many a hard contest; together we have suffered, together we have triumphed and rejoiced. In your pride of power, wrong us not; attempt not to trample down our proud American spirit, or to force us to admit the negro race into terms of social equality with ourselves. It will be vain. We are your equals in honor, in character, in virtue, in religion, in charity, in patriotism; your equals we shall remain. But deal with us in that christian spirit of doing to others what you would have them to do to you under similar circumstances, and our country will be happy, prosperous, and contented, and ours will be a bright and glorious destiny.